IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 87/2006
(State of Rajasthan Vs. Hemendra Singh Charan & Ors.)

Date of Order : 04/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

Heard learned public prosecutor for the State. Perused the order impugned dated 15.2.2005 passed by Additional Chief Judicial Magistrate, Jaitaran, district Pali (for short 'the trial court' hereinafter). The trial court dismissed the application seeking custody of the Register relating to Election by the police on the ground that Section 170 of the Representation of Peoples Act takes away the jurisdiction of the civil court, and the record which has been kept sealed under the custody by the Returning Officer, cannot be made available to the police.

I have asked the learned public prosecutor as to whether the election in question has been challenged by way of Election Petition before this Court. Learned public prosecutor

says that no such Election Petition has been filed by the candidate who lost the election.

Keeping in view the facts and circumstances of the case, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

rp